

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	2:19cr62-MHT
	)	(WO)
THOMAS WILLIAM GRIER	)	

OPINION AND ORDER

Defendant Thomas William Grier has been indicted on one count: possession of a firearm by a convicted felon, in violation of Title 18, United States Code, Section 922(g)(1). See Superseding Indictment (doc. no. 47). The question before the court is whether Grier has the mental capacity to proceed to trial--that is, whether he is currently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is not able to understand the nature and consequences of the proceeding against him or to assist properly in his defense. See 18 U.S.C. § 4241(a). Based on the recent forensic evaluation conducted by the Bureau of Prisons, see Psychiatric Report (doc. no.

50), the court finds that he has the mental capacity to proceed.

The issue of Grier's competency comes before the court on a motion to determine competency and for a mental examination. Defense counsel noted that, during "several interviews with his attorney," Grier "demonstrated erratic behavior and a failure to comprehend and appreciate a realistic view of the evidence, its weight, and the relevant law, to such an extent that he abruptly displays anger, threatens to walk out, and then shuffles through his stack of papers arguing." Motion for Mental Competency Exam (doc. no. 38) at 2. Defense counsel also described Grier as "loud, jumpy, nervous, [and] constantly moving." *Id.* at 3.

Pursuant to a court order, Grier was transferred to a Federal Bureau of Prisons Detention Center in Miami, Florida. He was evaluated by Dr. Lisa Feldman, Psy.D., a forensic psychologist. In her report, completed on November 14, 2019, Dr. Feldman concluded that, although

"Grier has been assigned diagnoses of Posttraumatic Disorder, Alcohol Use Disorder, In a controlled environment, Stimulant Use Disorder, In a controlled environment, Cannabis Use Disorder, In a controlled environment, and Adult Antisocial Behavior," Psychiatric Report (doc. no. 50) at 11, he "demonstrates a factual and rational understanding of the charges against him, an understanding of basic courtroom proceedings, and the capacity to assist his attorney in his own defense," and thus that he should "be found competent to stand trial." *Id.* at 9. Neither party disputed these findings at the competency hearing conducted on December 9, 2019.

Based on Dr. Feldman's psychological evaluation, and pursuant to 18 U.S.C. §§ 4241(a) and (c) and 4247(d), the court concludes that Grier is not currently suffering from a mental disease or defect such that he is unable to understand the nature and

consequences of the proceedings against him or to assist properly in his defense.

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Accordingly, it is ORDERED that defendant Thomas William Grier is declared mentally competent to proceed in this case.

DONE, this the 9th day of December, 2019.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE